

Amendments to the Drawings

Submitted herewith is a replacement drawing sheet for Figures 6 and 7 that contains a revised Figure 6. Specifically, Figure 6 has been revised to include illustration of the mechanical oil pressure pump 5 that had been described in the specification at paragraph [0024].

REMARKS

Reconsideration and further examination of the application are respectfully requested. Claims 1-3 and 5-12 are pending in the application. Independent Claims 1 and 8 have been amended. Claim 4 has been canceled. Claim 12 is newly added by amendment.

**A. THE ANTICIPATION REJECTION**

Claims 1, 2, 4, 5, 7, 8 and 10 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Eguchi (US 6 776 739).<sup>1</sup> This rejection is respectfully traversed based on the following arguments.

In order for a patent claim to be anticipated by the prior art, each and every feature recited in the claim must be found, either expressly or inherently, within the four corners of a single prior art reference.

Independent Claim 1 (as amended) recites the feature that "the amount of torque is variably set based on a determination as to whether the throttle opening angle is at an idle opening angle." Amended independent Claim 8 recites a similar feature.

The Eguchi reference does not disclose this recited feature. Although the Examiner contends that this feature (previously recited in now canceled Claim 4) is disclosed by Eguchi, careful study of the reference indicates otherwise. Multiple disclosed embodiments of the Eguchi invention (refer generally to Figs. 3-6 and text at cols. 8-11) show algorithms for restarting of an engine, but none of those algorithms make a determination as to whether the throttle opening angle is at an idle opening angle, nor use that determination as a basis for deciding an amount of motor torque.

As such, independent Claims 1 and 8 are not disclosed, taught or suggested by Eguchi. For this reason alone,

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<sup>1</sup> Although the rejection lists Claims 1 and 6-7 in its first sentence as being the objects of the rejection, this appears to be a typographical error in view of the reasoning explaining the rejection being directed instead to Claims 1,2, 4, 5, 7, 8, and 10.

dependent Claims 2, 4, 5, 7 and 10 also are allowable. Further, Claims 3, 6, and 9 should also be allowed.

**B. THE OBVIOUSNESS REJECTION**

Claims 3, 6 and 9 have been rejected under 35 U.S.C. § 103(a) as being obvious over Eguchi in view of Urasawa (US 6 482 125). This rejection is respectfully traversed based on the following arguments.

Claims 3, 6 and 9 depend from either of independent Claims 1 or 8, which are distinct from the Eguchi reference for the reasons explained above in part A of these Remarks. When Eguchi is further considered together with Urasawa, the noted deficiencies of Eguchi are still not disclosed or suggested. The disclosure of Urasawa is directed to how to handle upshift and is silent with regard to the situation of "start of the engine without operation of the ignition key," which the claimed invention addresses. Thus, the teachings of Urasawa are not relevant to the subject matter claimed.

For these reasons, Applicant respectfully submits that, considered together, the Eguchi and Urasawa references do not establish a *prima facie* case of obviousness with respect to Claims 3, 6 and 9.

**C. NEW CLAIM 12**

New Claim 12 is allowable at least for the reasons explained above regarding Claims 1 and 8. Furthermore, Claim 12 also recites that "the degree of engagement of the frictional engaging elements being variable depending upon variations in said oil pressure during starting and stopping of said engine". This aspect of the invention, which is recited explicitly in new Claim 12 is not taught or suggested by the prior art.

**D. THE DRAWINGS AND SPECIFICATION**

Applicants submit herewith one replacement drawing sheet for Figs. 6 and 7 that contains a revised Fig. 6.

Specifically, Fig. 6 has been revised to include illustration of the mechanical oil pressure pump 5 that had been described in the specification at paragraph [0024] but had been omitted from the drawings. Since the mechanical oil pressure pump 5 is a recited claim element (refer to Claims 1 and 8), it is appropriate that this feature be shown in the drawings.

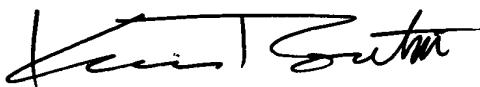
37 C.F.R. § 1.83(a). Accordingly, Applicants respectfully submit that this revision of Fig. 6 is appropriate to make the drawings consistent with the specification and the claims.

Paragraph [0024] of the specification has been amended to be consistent with the described mechanical oil pressure pump being indicated with reference number "5" instead of not being illustrated. This is to ensure that the text of the specification is entirely consistent with the mechanical oil pressure pump 5 being illustrated in revised Fig. 6 as it is shown in the replacement drawing sheet submitted herewith.

**E. CLOSING**

For the above reasons, Applicants respectfully submit that the application is in condition for immediate allowance with Claims 1-3 and 5-12. In the event there remain any issues that may be resolved by way of a telephone conference, the Examiner is respectfully invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,



for Mark L. Maki

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